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## PATENT APPLICATION

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q77205

Hiroaki OBARA

Appln. No.: 10/652,030

Group Art Unit: 2113

Confirmation No.: 1535

Examiner: Charles EHNE

Filed: September 02, 2003

For: FAULT TOLERANT COMPUTER, AND DISK MANAGEMENT MECHANISM AND  
DISK MANAGEMENT PROGRAM THEREOF

#### **INFORMATION DISCLOSURE STATEMENT** **UNDER 37 C.F.R. §§ 1.97 and 1.98**

#### **MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the document which is listed on the attached PTO/SB/08 A & B (modified) form and listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. Japanese Patent Application Publication No. 5-173727, published July 13, 1993 (with English abstract).

One copy of the listed document is submitted herewith.

The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/652,030

Atty. Docket No.: Q77205

prosecution in the application (whichever is earlier), and therefore Applicant is filing concurrently herewith a Statement Under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a corresponding Japanese Office Action, dated February 6, 2006, and an English translation of the pertinent portions thereof which cites above listed reference 1 and indicates the degree for relevance found by the foreign office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: April 10, 2006



Substitute for Form 1449 A &amp; B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number	10/652,030
Confirmation Number	1535
Filing Date	September 02, 2003
First Named Inventor	Hiroaki OBARA
Art Unit	2113
Examiner Name	Charles EHNE
Attorney Docket Number	Q77205

Sheet 1 of 1

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US			
		US			
		US			
		US			
		US			
		US			
		US			
		US			
		US			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		JP	5-173727	A	07-13-1993	NEC Eng Ltd	

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.

## Q77205

1. The inventions related to the following claims of the present application could have been easily invented by a person with ordinary knowledge of technology in the field to which the inventions belong prior to the filing of this application based on the inventions recited in the publications below, which had been distributed in Japan or abroad prior to the filing of this application, or on inventions made publicly available for use by means of telecommunications networks prior to the filing of this application, and therefore cannot receive a patent according to the stipulations of Article 29, Paragraph 2 of the Japan Patent Law.

Note (for the cited literature, see the List of Cited Literature)

- Claims 1–11
- Cited Literature 1
- Remarks

Cited Literature 1 states, “The host computer, through the host interface 1 and the host interface control circuit 2, designates the physical device to be disconnected to the microprocessor 10, instructing it to go into degraded operation mode. The microprocessor 10 transmits information on the physical device to be disconnected (the number of the physical device to be disconnected) to the disconnection control circuit 11, and transmits the fact that it is in degraded operation mode to the array data control circuit 4. The disconnection control circuit 11 transmits information on the physical device to be disconnected to the array data control circuit 4.” (paragraph 0010)

### List of Cited Literature

1. Japanese Unexamined Patent Application Publication H05-173727



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**STATEMENT UNDER 37 C.F.R. § 1.97(e)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed  
concurrently herewith was first cited in any communication from a foreign patent office in a  
counterpart foreign application not more than three months prior to the filing of said Information  
Disclosure Statement.

Respectfully submitted,

Carl J. Pellegrini  
Registration No. 40,766  
for Howard L. Bernstein  
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